

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

V.

Dana Jarvis

Defendant.

05-1849 JH

## DECLARATION OF PUBLICATION

Under 21 U.S.C. § 853(n)(1), and the Attorney General's authority to determine the manner of publication of an Order of Forfeiture in a criminal case, notice of the forfeiture was posted on an official government internet site ([www.forfeiture.gov](http://www.forfeiture.gov)) for at least 30 consecutive days, beginning on January 6, 2009 and ending on February 4, 2009. (See, Attachment 1.)

I declare under penalty of perjury that the foregoing is true and correct. Executed on February 9, 2009 at Albuquerque, NM.

Stephen Kotz

Assistant U.S. Attorney

Attachment 1

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO  
COURT CASE NUMBER: 05-1849 JH; NOTICE OF FORFEITURE

Notice is hereby given that on December 19, 2008, in the case of U.S. v. Dana Jarvis, Court Case Number 05-1849 JH, the United States District Court for the District of New Mexico entered an Order condemning and forfeiting the following property to the United States of America:

1972 Cessna 421B Aircraft Ser No: 421B0230 (05-DEA-457062), which was seized from Dennis Diebold Cox on August 25, 2005 at 3625 N. Airport Road, located in Williams, AZ

Real Property located at 1440 Calle Cielo Vista (05-DEA-458502)

Real Property located at 3523 Central NE (05-DEA-458504)

Real Property located at 28 Quail Run (05-DEA-467377)

Liquor License #2599 Registered to Club Rhythm & Blue (05-DEA-467420)

Bank One Checking Account #689832822, held in the name of Dana Jarvis Acct# 689832822 (05-ICE-000250), which was seized from Dana Jarvis on August 23, 2005 at Bank One, located in Albuquerque, NM

Bank One Saving Account #40455157, in the name of Dana Jarvis Acct# 40455157 (05-ICE-000251), which was seized from Dana Jarvis on August 25, 2005 at BANK ONE, located in Albuquerque, NM

First State Bank Check Account #1874527, in the name of Dana Jarvis Acct# 1874527 (05-ICE-000252), which was seized from Dana Jarvis on August 25, 2005 at First State Bank, located in Albuquerque, NM

First State Bank Savings Account #1223801, in the name of Dana Jarvis (05-ICE-000253), which was seized from Dana Jarvis on August 25, 2005 at First State Bank, located in Albuquerque, NM

The United States hereby gives notice of its intent to dispose of the forfeited property in such manner as the United States Attorney General may direct. Any person, other than the defendant(s) in this case, claiming interest in the forfeited property must file a Petition within 60 days of the first date of publication (January 06, 2009) of this Notice on this official government internet web site, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure and 21 U.S.C. § 853(n)(1). The petition must be filed with the Clerk of the Court, United States District Court for the District of New Mexico, 333 Lomas Blvd. NW, Albuquerque, NM 87103, and a copy served upon Assistant United States Attorney Stephen Kotz, P.O. Box 607, Albuquerque, NM 87102. The petition shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title or interest in the forfeited property, the time and circumstances of the petitioner's acquisition of the right, title and interest in the forfeited property and any additional facts supporting the petitioner's claim and the relief sought, pursuant to 21 U.S.C. § 853(n).

Following the Court's disposition of all petitions filed, or if no such petitions are filed, following the expiration of the period specified above for the filing of such petitions, the United States shall have clear title to the property and may warrant good title to any subsequent purchaser or transferee.

**Advertisement Certification Report**

The Notice of Publication was available on the [www.forfeiture.gov](http://www.forfeiture.gov) web site for at least 18 hours per day between January 6, 2009 and February 4, 2009. Below is a summary report that identifies the uptime for each day within the 30-day period and reports the results of the web monitoring system's daily check that verifies that the advertisement was available each day.

U.S. v. Dana Jarvis

**Court Case No:** 05-1849 JH  
**For Asset ID(s):** See Attached Advertisement Copy

Consecutive Calendar Day Count	Date Advertisement Appeared on the Web Site	Total Hours Web Site was Available during Calendar Day	Verification that Advertisement existed on Web Site
1	01/06/2009	23.6	Verified
2	01/07/2009	23.5	Verified
3	01/08/2009	23.5	Verified
4	01/09/2009	23.5	Verified
5	01/10/2009	23.5	Verified
6	01/11/2009	22.9	Verified
7	01/12/2009	23.5	Verified
8	01/13/2009	23.4	Verified
9	01/14/2009	23.5	Verified
10	01/15/2009	23.5	Verified
11	01/16/2009	23.5	Verified
12	01/17/2009	23.6	Verified
13	01/18/2009	23.5	Verified
14	01/19/2009	23.5	Verified
15	01/20/2009	23.5	Verified
16	01/21/2009	23.5	Verified
17	01/22/2009	23.5	Verified
18	01/23/2009	23.5	Verified
19	01/24/2009	22.4	Verified
20	01/25/2009	23.5	Verified
21	01/26/2009	23.4	Verified
22	01/27/2009	23.5	Verified
23	01/28/2009	23.5	Verified
24	01/29/2009	22.7	Verified
25	01/30/2009	23.5	Verified
26	01/31/2009	22.3	Verified
27	02/01/2009	22.4	Verified
28	02/02/2009	22.5	Verified
29	02/03/2009	23.5	Verified
30	02/04/2009	23.5	Verified

Additional log information is available and kept in the archives for 15 years after the asset has been disposed.